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NEWS REPORT

Country:	Germany
Title:	Burkini in swimming lessons in schools
Date:	14 December 2016
Expert:	Mahlmann, Matthias
<u>Context</u>	
Issue at stake:	Demand of dispensation from swimming lessons on ground of Islamic beliefs despite possibility to use burkini
Ground of discrimination:	Religion and belief
Source:	Federal German Constitutional Court, 1 BvR 3237/13, 8 November 2016
Field:	Education
Applicable law:	Art. 4 Basic Law

Content

Case: The complainant, a school girl, demands dispensation from swimming lessons in a public school because of prescriptions stemming from her Muslim faith to show her body forms to men. Although the school allows for the use of so-called burkinis, this option was not regarded as sufficient by the complainant.

Decision of the Court: The court regarded the complaint as inadmissible. The complainant did not show that the burkini is not sufficient to comply with religious rules on the concealment of the body. The fact that the complainant is exposed to the sight of male bodies in swimming suits is not sufficient to justify a dispensation from swimming lessons.

Key points of analysis: The decision clarifies that the possibility of the use of burkinis is sufficient to accommodate the needs of a person of Muslim faith, who wishes to conceal her body forms. It underlines that the mere sight of male persons in swimming suits is not an interference in the rights of the person grave enough to entitle her to not take part in swimming lessons.

Internet link source: http://www.bverfg.de/e/rk20161108_1bvr323713.html.